

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

EO-5-8
ph

February 4, 2004

John F. McHugh
6 Water Street, Suite 401
New York, New York 10004

Re: Finance Docket 34391, New England Transrail, LLC, D/B/A Wilmington
and Woburn Terminal Railway – Construction and Operation in
Wilmington and Woburn, MA

Dear Mr. McHugh:

Pursuant to 49 C.F.R. 1105.6(d), we are granting your request of December 17, 2003 for a waiver of 49 C.F.R. 1105.6(a), which generally provides for preparation of an environmental impact statement (EIS) for a rail line construction proposal. We are granting the requested waiver based on available information gathered to date, including materials filed by the applicant, consultation by the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) with Federal, state, and local agencies, and a site visit and its environmental consultant for this proceeding, ICF Consulting (ICF). Based on this information, it appears that the proposed action would not result in significant environmental impacts. At this time, for the reasons explained in more detail below, we believe that preparation of an environmental assessment (EA) is the appropriate level of environmental documentation.

BACKGROUND

By petition filed on December 3, 2004, New England Transrail LLC, d/b/a Wilmington & Woburn Terminal Railway (NET) seeks an exemption from the Board under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct, rehabilitate, and operate approximately 4,000 feet of track located in and adjacent to a parcel of land owned by Olin Corporation (Olin). The Olin-owned parcel is located in Wilmington, but a portion of the line proposed for construction and operation by NET is located in Woburn, MA.

NET has entered into an agreement to purchase from Olin 53 acres of land, upon which Olin previously operated a chemical plant. The Olin property is a brownfield parcel and is currently the subject of remediation and monitoring activities by the Massachusetts Department of Environmental Protection. Remediation of the Olin parcel is being carried out by Olin. Olin will maintain a presence at the site until the remediation is completed. NET's proposed project would be designed to allow Olin's remediation activities to continue during construction and operation activities.

Description of the Proposal

The Olin parcel includes a Y shaped set of industrial tracks formerly used by the Boston and Maine Railroad (B&M) to service the chemical plant. NET seeks to construct and operate approximately 2,700 feet of new track, rehabilitate approximately 1,300 feet of existing track, and build a covered transload facility. To provide connecting rail service to the Olin parcel, NET intends to enter into an agreement with B&M to reinstall a switch that previously connected the Olin industrial tracks to B&M.

NET states in its petition filed with the Board that it intends to handle a variety of commodities on the proposed line, including aggregates, sand and gravel, stone, lumber plastics, steel, scrap steel, recycled paper and plastic, newsprint, paper products, clay, construction debris, brick, nonhazardous solid wastes, liquids and dry chemicals. NET states that it would not handle hazardous waste or other hazardous materials.

According to NET, the proposed project would generate about twenty-five loaded rail cars per day. It would generate about 400 truck trips per work day on nearby Eames and Woburn Streets. Trucks would generally move between the facility and the I-93 Interchange. The area to be traversed is largely commercial and industrial.

NET states in its petition that if a future agreement can be made with the adjacent Massachusetts Bay Transportation authority (MBTA), it would build additional track connecting the B&M branch line to the MBTA line.

DISCUSSION

Status of Environmental Review Process

The environmental review process for the project has been ongoing. On July 23, 2003, NET met with SEA staff to describe the proposed project. At that meeting, NET presented information to SEA that it had gathered and developed during the project development phase, including maps and photographs of the project area. On August 22, 2003, NET sought a waiver of the six-month prefilng notification provision and provided SEA with environmental information. SEA granted the six-month prefilng waiver request on August 28, 2003. On August 14, 2003, SEA approved ICF as the independent third-party consultant to assist SEA in preparing the required environmental documentation. On November 5, 2003, SEA and ICF made a site visit to the proposed project site to gather preliminary information. Prior to the site visit, SEA and ICF met with community leaders and members of the public at a town meeting. At the town meeting, local officials and community representatives provided SEA with information and comments regarding the proposed project.

In addition to the site visit, SEA has consulted with a number of Federal, state, and local agencies regarding potential environmental impacts associated with NET's proposal. Based on these consultations, SEA has preliminarily determined that the proposed project would not adversely affect any known historic or archeologic resources. In addition, no endangered or

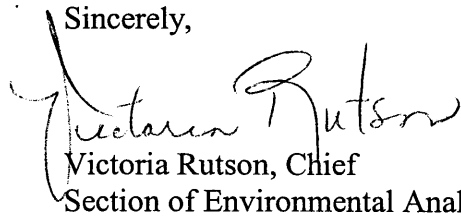
threatened species, critical habitat or other sensitive biological resources have been identified in the proposed project area. Local impacts on air emissions and noise levels are not anticipated to be adverse. The New England District, Corps of Engineers has determined, by letter of November 21, 2003 to NET, that the proposed project avoids impacts to existing waters of the United States, including wetlands, and therefore, a Department of the Army permit is not required for this project. SEA's preliminary evaluation indicates that impacts to the local transportation network would not be significant.

Conclusion

Based on the above information, SEA believes that it has adequate information to grant this waiver request and that the preparation of an EA, rather than an EIS, is appropriate for this project. Moreover, any environmental impact resulting from the proposal could likely be reduced by the imposition of mitigation measures, if needed. However, be aware that should the environmental review process reveal unanticipated impacts that are significant, we would require the preparation of an EIS at that time.

If you have any questions, please feel free to call Phillis Johnson-Ball of my staff at (202) 565-1530.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson, Chief
Section of Environmental Analysis